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1943 -

(M)

File No 60-42

Previous References

Serial Nos 7 8

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos 2

Part B for Feb 43

SUBJECT

Mge. Elections in the Paraçoda Minor Municipality

2 Nos D.C. Anuradhapura Dists
L 7796 of 8 2 43
forwards certain instructions

27/1

Memorandum

D.O. Letter No. A 6-C 293 dt. 12-4-43 dated 16-11-44 from the Deputy Commissioner, Trincomalee, requesting in the circumstances stated, sanction to fill up the vacancy in the Pasangaladi Urban Council caused by the disqualification of one Mr. Nanjundas Rao.

2. The facts of the case are set forth in the P.C.D. and the report of the Assistant President which are briefly as follows:- Mr. Nanjundas Rao, Municipal Councillor for the Division of Pasangaladi Major M.C. was in arrears of M.C. taxes and on the issue of special notices, four of them paid up their dues but Mr. Nanjundas Rao a defaulting Councillor failed to pay up the dues even after the service of a special notice on 25-4-42, this seat was declared vacant and action was taken to fill up the vacancy by a bye-election which was fixed for the 1st June. Meanwhile Mr. Nanjundas Rao raised objections that he was not disqualified to continue as a Councillor as no special notice was served on him to pay up his arrears and therefore no action could be taken for holding the bye-election. His objections were overruled and this Commission necessitating the assistance of the police was indicated in the P.C.D. and the report of the Assistant President.

3. Under Section 9(2)(d) of the Municipal

Under Municipalities Act, 1933 a municipal councillor who "fails to pay any arrears of any kind due by him to the municipal council within three months, after a special notice was this behalf has been served upon him"

No special form of notice has been prescribed in the rules for the issue of special notice and therefore in cases where special notices have to be served the provisions of section 9(2)(d) are usually incorporated in the notice to be served to draw the attention of the defaulting councillor. In this case, the special notice served on Mr Nanjunda Rao is not aptly worded and the councillor has raised objections on this account. A

Flag T

It is also noteworthy that Mr Nanjunda Rao who is insisting on the letter of the law has not so far paid his arrears of taxes, inspite of the notice served on him. The municipal president has reported that he is a member of the Congress organisation and a very undesirable person.

The point for orders is whether the special notice served on Mr Nanjunda Rao is sufficient for the purpose of section 9(2)(d) of the M M Act, 1933, and if Mr Nanjunda Rao is under a disqualification to continue as a councillor. The D C Tumkur, considers that as no special form of notice has been prescribed, the one served by the president Pavagada M C can be considered as valid & as the councillor has not so far paid up his dues even after six months

B

after the notice there may be treated to have married a disqualification to continue as a councillor the A C requests sanction in these circumstances sanctioned to the action taken to fill up the vacancy caused by the disqualification of MV Nargundkar.
Submitted for orders.

Secy Law Dept 5910 Govt of Mysore

Law Secy
Asst Secy Law
Dy Secy Law
Secy

Dy Secy Law
Secy

WD 06260—GPB—500 pads of 100 sheets each—20 3 42

4)
Reach meets Sec 101 (4) of the said Act only
as regards the said Letter invalid in
any way.
11) However, as the demand made
by the Council & her Nagireddy & Jay of
the records was attended to by her & as
he did not pay of the arrears, even after
three months from the date of service
that notice on him, the
Nagireddy is deemed to have been
disabled from continuing to be a
Councillor & the provisions be
deemed to have become vacant by
the provisions of Sec 9(2)(a) of
the Act

Law Secretary 3 11/8/43.

SECY LAW DEPT 11874 GOVT OF MYSORE

12) Secy (Rev) to Govt 3 11/11/43

13) The views of the Law Secretary may
perhaps be adopted & approved & the D.C
Tumkur both informed accordingly
Submitted for orders

12/11/43.

14) The above views may be
Communicated to the D.C. Tumkur
with a request to take further action
in the matter

15 May be done

Secy (Rev) 12/11/43

Secy (Rev) 13/11/43

Secy (Rev) 13/11/43

SECY LAW DEPT 8346 GOVT OF MYSORE

OFFICE OF THE DIRECTOR FOR L S G & P H D to 13/1/43 No 5391

310

Continuation Sheet M2 File No / Current No 60 of 62 Page

TYPI C SECTION
- 1 FEB 1943
GEN & PRV SECTT

Submitted with a draft letter to the
D C. Transfer Dept

Secret
30/1/43
TWSS/

1/2/43

To

The D C Transfer Dept

No 27796 dd 2-43

Issues certain instructions

SS M

WD 1140—GPB—50 000—5-11-42

C F No 45]

GOVERNMENT OF MYSORE

Mc 60-42-7

T I g m / ph

No A6 C 793/42-43
Encls 1 bk

OFFICE OF
The Deputy Commissioner,
Tumkur, District,
Tumkur

Date 16th November 1942

To

C Narayanaswami Naidu, Esq , B A ,B L ,
Secretary to the Govt of Mysore,
Law Department, Bangalore

Sir

Re Bye-election held in Pavagada Minor Municipality to fill up the vacanc caused by the disability of Mr K Nanjunda Rao, under section 9(2) (d) of the Minor Municipalities Act of 1933

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In forwarding herewith in original the entire file of records received from the President, Minor Municipal Council, Pavagada, on the above subject, I have the honor to state as follows -

The President states in his report submitted to the Sub-Division Officer, Madhugiri Sub Division that special notices were issued on 20-4-1942 to the five Councillors that were in arrears and that they have all paid their dues , Since Mr Nanjunda Rao, was also a defaulter, a special notice was got served on him on 25-4-1942 and as he failed to pay the same till today, he was disabled to continue as Councillor according to Section 9(2)(d) of the said Act and consequently a calendar of events was got published to fill up the vacancy by means of a bye-election The several events of the calender upto and inclusive of the 7th item have been gone through(publication of the final list of the candidates with symbols) and only one application for candidature was received from one Mr Gonchikar Thimmaiya As no objection was raised against the said candidature within the period stipulated, the final list of the candidates was duly notified at 5 p m on 7-9-1942

As only one application has been received from Mr Gonchikar Thimmaiya for the candidature, the President has requested that his

name

his name may be caused to be notified in the Official Gazette as duly elected Councillor in the vacancy caused by the disability of Mr Nanjunda R o (to continue) as Councillor, He has further stated that Mr Nanjunda Rao, appeared at the General Meeting Held on 30-8-1942 although notice of the same had not been sent to him (since he was no longer a Councillor) and tried to interfere with the proceedings of the Municipality as if he was continuing as a Councillor He was warned not to interfere, but as he still persisted in his unruly behaviour, the Police were requested to take due notice of his conduct The Amildar-President states that Mr Nanjunda Rao has no respect for authority as seen from the tenor of the petitions presented to the Sub Division Officer and the Deputy Commissioner

The Sub Division Officer, in submitting the records to this office, has stated that the election held may be approved In his petitions presented to the Sub Division Officer and to this office, Mr Nanjunda Rao has contested that no special notice as required under the Act was got served on him and as such the election proceedings held are invalid

As no special form is prescribed in the rules for the issue of thesaid special notice, a notice in the ordinary form seems to have been issued by the Municipal Office The calendar of events has also been got published after the lapse of three months contemplated in Section 9(2) (d) of the Act,so that the defaulter has been given the time for the statutory period

I am of opinion that Mr Nanjunda Rao, has no case since he has failed to pay his arrears till now and also in view of the fact that the election Calendar was got published after the expiry of three months from the date of service of the notice on him and election held thereon is in order

I request that instructions of Government may kindly

be

be conveyed in the matter so that further action may be taken in the matter

I have the honor to be,
sir,
Your most obedient servant,

for Deputy Commissioner,
Tumkur District

AD 16/11

(Absent from Head quarters)

Appendix F G —1]

SUBJECT

Section Rel

File No 60-42

Serial No 3

Diary No of letter replied to

No L 7796
Revenue

To

General and Revenue Secretariat

( )

the *194*

The D C Tumkur best

Sir,

Date of issue 8/12/43

With reference to Your letter no A b C 793/42 63 dated 16-11-42 ~~from the D C Tumkur dated~~ Soliciting ~~instructions~~ disability regarding the ~~disqualification~~ of one Mr Nanjunda Rao to ~~continue~~ from as a member of the Ramagada Minor mul el, I am directed to state that - as no separate form ~~is prescribed~~ of special notice has been prescribed ~~for the issue of Special Notice~~ by the President upon which the one that was issued to Mr Nanjunda Rao demanding the deposit

Signed by Asst G R Rao.

List of enclosures

Copied by

Examined by

WD 04161—GPB—60 000— 24 10 41

of municipal arears ~~was sufficient~~ enough
~~for purposes~~ of Sec 9(2)(d) of the Municipal Act. Further, a defect of form of notice will not also render it invalid in any way under Section 101 of the said Act.

As Mr Nampunda Rao did not pay the arrears even after three months from the date of service of the notice on him, by the ~~non-acceptance~~ ~~of~~ he has been disabled from continuing to be a Councillor and his seat has ~~to be~~ ceased ~~to be~~ become vacant under provisions of Section 9(2)(d) of the M M Act. Further action to declare the records accompany. ~~Further~~ ~~Government~~ the vacancy ~~is~~ declared in terms of the Act will be taken.

I have the honour to be Sir,

Your obedient servant,

for Secy to Govt
Local Govt